

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY</b>	
	<b>Chapter 12:</b> Foster Family Home Licensing	<b>Effective Date:</b> July 1, 2021
	<b>Section 21:</b> Revocations	<b>Version:</b> 8

## POLICY OVERVIEW

It is the responsibility of licensed caregivers to ensure the safety and well-being of children placed in their care. When a licensed caregiver has failed to meet any of the foster care licensing requirements that help to ensure a child's safety, a revocation of the foster family home license may be recommended.

## PROCEDURE

The Indiana Department of Child Services (DCS) and its licensing workers will recommend revocation of a foster family home license if:

1. The licensee or the licensee's household members, employees, or volunteers who are required to have background checks do not pass the background checks (see policies 13.09 Conducting Background Checks for Foster Home Licensing and 13.10 Evaluating Background Checks for Foster Family Licensing);
2. The licensee made false statements on the application or the records required for licensure;
3. The licensee failed to meet any other foster care licensing requirements as set out in Indiana Code (IC) or Indiana Administrative Code (IAC);
4. The licensee failed to meet the terms of progressive discipline developed with the licensing worker; or
5. There has been a substantiation of Child Abuse and/or Neglect (CA/N) against the licensee or a member of the licensee's household.

**Note:** If a revocation is based on a report of CA/N that was substantiated prior to October 15, 2006, the Regional Manager (RM) or designee must review the appropriateness of the substantiation determination prior to the licensing worker requesting the revocation. The licensee may also request this review at any time in the process (see policy 2.03 Child Care Worker Assessment Review Process).

DCS will not allow a licensee to voluntarily relinquish the foster home license or transfer to another Licensed Child Placing Agency (LCPA) once the revocation process has begun unless approved by the Central Office Foster Care Licensing Unit.

DCS will not place children in a foster family home whose license is on probationary status, placement hold, pending revocation, or has been revoked.

To arrive at a written recommendation regarding revocation of a license the licensing worker should consult with other DCS staff or LCPA staff, as applicable, based on:

1. Information found in all background checks (see policy 13.10 Evaluating Background Checks for Foster Family Licensing);

2. Any information obtained through the state-approved foster family home licensing study; and/or
3. Any other information related to the current home environment, and the ability of the foster parent to provide for the child's safety, well-being, and permanency.

For all revocations, the licensing worker will:

1. Develop a revocation recommendation letter, within 90 days of identification of non-compliance, containing the following:
  - a. Any specific statute or rule with which the foster family home is not in compliance,
  - b. A general description of the circumstances which constitute the non-compliance or other grounds for revocation, and
  - c. Documentation supporting the decision.
2. Ensure each revocation recommendation letter is signed by the applicable group:
  - a. A revocation recommendation letter for DCS licensed foster family homes should be signed by the RM, Regional Foster Care Specialist (RFCS) Supervisor, and DCS licensing worker, or
  - b. A revocation recommendation letter for LCPA licensed foster family homes should be signed by the LCPA licensing worker and the LCPA Director or designee.
3. Upload the following information into the case management system:
  - a. Revocation recommendation letter,
  - b. Supporting documentation that provides evidence of the violations (e.g., case management system contact notes, e-mail communications, background check information, and assessment information), and
  - c. The Foster Home Revocation or Denial Due Process Verification form if the revocation is based on substantiated CA/N.
4. Submit the revocation request in the case management system to the Central Office Foster Care Licensing Unit for approval;
5. Ensure the foster home is aware of the revocation recommendation and has a basic understanding of the process that will occur; and
6. Ensure any person or agency responsible for the supervision of a child placed in the home is notified of the concerns and resulting recommendation.

Upon receipt and agreement with the recommendation to revoke, the Central Office Foster Care Licensing Unit will:

1. Send a certified letter, within 60 days of receipt of recommendation, to the foster family home advising the individuals of:
  - a. The fact that the license for a foster family home is being revoked effective 30 days from receipt of the letter,
  - b. The nature of the allegations of non-compliance with IC, IAC, or other foster parent requirements,
  - c. The right to request an informal meeting with the Resource Unit Local Office Director (LOD) or designee within 10 business days of receipt of the letter (if the home is licensed by an LCPA, an LCPA representative must attend the informal meeting),

**Note:** DCS management involved in staffing the revocation should not complete the informal meeting with the foster family.

- d. The right to appeal the decision within 30 days of receipt of the letter,
- e. The statutory authority of DCS to license foster family homes, and

- f. The civil and criminal penalties for operating a Foster Family Home without a license.
2. Send a copy of the certified letter revoking the license to the licensing worker for their file.
3. Notify all DCS local offices and any other agency responsible for supervision of a child placed in the home that the license has been revoked; and
4. Enter the revocation effective date in the case management system 30 days after the date the foster parent received the revocation letter or when the Administrative Appeal process was completed, if applicable.

If the request to revoke a foster family home license is not approved, the Central Office Foster Care Licensing Unit will:

1. Notify the recommending DCS office or LCPA of the decision to deny the request; and
2. Require the recommending DCS office or LCPA to discuss and address areas of concern with the foster family home.

### **Revocation Appeals**

If the foster family home appeals the license revocation and requests an Administrative Appeal Hearing as provided in IC 31-27-4-13 and 465 IAC 3-3 (also see Indiana Office of Administrative Law Proceedings [OALP] Policies and policy 2.05 Administrative Appeal Hearings):

1. DCS Hearings and Appeals will review the Request for Administrative Hearing Foster Home License Denial or Revocation form and the revocation letter and forward any complete and timely request to OALP;
2. An Administrative Law Judge (ALJ) (also referred to as an Administrative Hearing Officer) assigned by OALP will schedule the hearing date and any prehearing conferences;
3. The OALP staff will notify the assigned DCS attorney, the foster family home, and any attorney representing the license applicant for purposes of the appeal, of the date, time, and location of the scheduled hearing;
4. A DCS attorney will represent DCS during the hearing;
5. After the ALJ issues Proposed Findings of Fact and Conclusions of Law, the DCS Final Agency Authority (FAA) will automatically conduct a FAA review of the case and the ALJ's Proposed Findings of Fact and Conclusions of Law and issue a decision upholding, denying, or remanding the decision to deny the application for foster home license. The DCS FAA's experience and training in the relevant subject matter may be considered; and

**Note:** The DCS FAA may schedule status conferences or briefing deadlines during the review, however, failure to attend these status conferences or respond to briefing deadlines will not result in a dismissal of the case or a failure of the FAA to issue a decision on the case.

6. OALP and the parties will be notified of the decision, including any right to seek judicial review, as provided in IC 4-21.5-5.

If the licensee does not appeal or is not successful in the appeal and the home has not ceased operation, the Central Office Foster Care Licensing Unit will:

1. Notify the prosecuting attorney in the county where the home is located and the Indiana Attorney General regarding the illegal operation; and
2. Notify all DCS local offices and, if applicable, the supervising LCPA responsible for supervision of a child placed in the home that the license has been revoked.

If the licensee is successful on appeal, the Central Office Foster Care Licensing Unit will:

1. Notify the licensing agency of the decision and direct them to reinstate the license; and
2. Ensure the license is effective in the case management system.

## LEGAL REFERENCES

- [465 IAC 2-1.5: Licensing of Foster Family Homes for Children](#)
- [470 IAC 1-4: Administrative Appeals](#)
- [465 IAC 3-2-2: Administrative review procedure for child care workers and licensed foster parents](#)
- [465 IAC 3-3: Administrative Hearings](#)
- [IC 4-21.5-5 Chapter 5. Judicial Review](#)
- [IC 31-27-4-22: Notice of enforcement actions; informal meetings](#)
- [IC 31-27-4-23: Administrative hearings](#)
- [IC 31-27-4-24: Procedure for administrative hearings](#)
- [IC 31-27-4-30: Notice](#)
- [IC 31-27-4-32: Grounds for revocation of license; waiver](#)
- [IC 31-27-4-33: Compliance with rules; disciplinary sanctions; revocations of license](#)

## RELEVANT INFORMATION

### Definitions

#### Administrative Hearing Officer

An Administrative Hearing Officer refers to an individual who presides over an administrative hearing. An Administrative Hearing Officer is also commonly referred to as an Administrative Law Judge (ALJ).

#### Final Agency Action

Final agency action means, with respect to an administrative action taken by the department, the issuance of an order by the ultimate authority of the department that:

1. Disposes of all issues for all parties to an administrative proceeding regarding the action after the parties to the administrative proceeding have exhausted all administrative remedies concerning the action; and
2. Is designated as a final order by the ultimate authority of the department.

#### Final Agency Authority (FAA)

For purposes of an administrative proceeding regarding an action taken by DCS, the director or the director's designee is the FAA (referred to in Indiana Code as the ultimate authority) of DCS. A designee of the director must be:

1. A deputy director of DCS; or
2. An individual who:
  - a. Is an attorney in good standing who is admitted to the practice of law in Indiana; and
  - b. Is an employee of DCS, except as otherwise allowed under state and federal law.

#### Licensing Worker

The licensing worker refers to the DCS RFCS or the LCPA worker.

### Progressive Discipline

Progressive discipline is a process of improving the performance of a foster home. It may include, but is not limited to guiding discussion, education, team meetings, developing a working agreement, safety planning, a corrective action plan, a placement hold, and probation with or without a placement hold.

### **Forms and Tools**

- [Foster Home Revocation or Denial Due Process Verification \(SF 55232\)](#)
- [Request for Administrative Hearing Foster Home License Denial or Revocation \(SF 55227\)](#)

### **Related Policies**

- [2.03 Child Care Worker Assessment Review Process](#)
- [2.05 Administrative Review Process](#)
- [13.09 Conducting Background Checks for Foster Home Licensing](#)
- [13.10 Evaluating Background Checks for Foster Family Licensing](#)